

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |   |                                 |
|--------------------|---|---------------------------------|
| PARIS L. WATERS,   | § |                                 |
|                    | § | No. 734, 2010                   |
| Defendant Below,   | § |                                 |
| Appellant,         | § | Court Below—Superior Court      |
|                    | § | of the State of Delaware in and |
| v.                 | § | for New Castle County           |
|                    | § |                                 |
| STATE OF DELAWARE, | § |                                 |
|                    | § |                                 |
| Plaintiff Below,   | § | Cr. ID No. 0705019531           |
| Appellee.          | § |                                 |

Submitted: December 7, 2010

Decided: December 9, 2010

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 9<sup>th</sup> day of December 2010, it appears to the Court that:

(1) On November 29, 2010, the Court received Paris Waters’ *pro se* notice of appeal from the Superior Court’s September 8, 2010 adjudication and sentencing of him for a violation of probation. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before October 8, 2010.<sup>1</sup>

(2) On December 1, 2010, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing that Waters show cause why the appeal should not be dismissed as untimely filed. In his response to the notice filed on December 7, 2010, Waters asserts that his appeal was untimely because his counsel “neglected to [provide] adequate guidance,” and the prison law

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<sup>1</sup> Del. Supr. Ct. R. 6(a)(ii).

library “misguided” him with respect to “addressing the Honorable Supreme Court.”<sup>2</sup>

(3) “Time is a jurisdictional requirement.”<sup>3</sup> A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period to be effective.<sup>4</sup> An appellant’s *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>5</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.<sup>6</sup>

(4) In this case, the Court has concluded that the appeal must be dismissed. Waters does not contend, and the record does not reflect, that his failure to timely file the notice of appeal is attributable to court-related personnel.<sup>7</sup> Thus, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> The Court notes that the Superior Court docket reflects that Waters was informed in writing of the thirty-day appeal period by defense counsel of record. Del. Supr. Ct. R. 26(k). See docket at 62, *State v. Waters*, Del. Super., Cr. ID No. 0705019531 (Sep. 8, 2010) (filing of “advice regarding appeal” form).

<sup>3</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>4</sup> Del. Supr. Ct. R. 10(a).

<sup>5</sup> *Carr v. State*, 554 A.2d at 779.

<sup>6</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

<sup>7</sup> See *Brown v. State*, 2004 WL 1535757 (Del. Supr.) (dismissing untimely appeal after concluding that prison law library personnel are not court-related personnel).